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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with) RM-8143
Enhanced 911 Emergency Calling Systems)

To: The Commission

REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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Dated: October 25, 1996

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I. INTRODUCTION

Pursuant to Section 1.415 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits these Reply Comments on the Commission's Further Notice Of Proposed Rule Making ("FNPRM") in the above-referenced docket.^{1/}

Nextel and 21 other parties filed Comments on September 25, 1996. Based on Nextel's review of these Comments, only three parties support the Commission's proposal to impose more rigorous enhanced 911 requirements at this time.^{2/} All other commenters oppose the Commission's proposed increased requirements.^{3/} The

^{1/} First Report and Order and Further Notice Of Proposed Rule Making, CC Docket No. 94-102, FCC 96-24, released July 26, 1996.

^{2/} See Comments of The International Association of Fire Chiefs, Inc. and The International Municipal Signal Association ("Fire Chiefs Association"); Comments of The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), the National Emergency Number Association ("NENA"), and the National Association of Nine One One Administrators ("NASNA") (hereinafter "Joint Commenters"); and Comments of 360 Communications Company ("360 Communications").

^{3/} See, e.g., Comments of Bell Atlantic NYNEX Mobile, Inc. ("BANM") at p. 2; Comments of Southwestern Bell Mobile Systems, (continued...)

opposition of these commenters is based on two specific issues: (1) the prematurity of the Commission's proposals; and (2) the potential -- and unknown -- cost implications of the heightened requirements.

II. DISCUSSION

The wireless telecommunications industry is in agreement that the Commission's proposal to increase the enhanced 911 ("E911") location technique standards is premature. As AT&T states in its comments, the Commission should not impose further requirements prior to the industry determining the extent of the costs involved.^{4/} The Commission, AT&T argued, "should weigh the degree of accuracy obtained from any new requirements against the reasonableness of the costs expended to achieve that degree of accuracy."^{5/} This cannot be done until the industry has determined how it can meet even the Commission's currently-imposed location requirements.

As CTIA points out in its comments, the Commission's proposals are "overly aggressive," and attempt to impose requirements for

^{3/}(...continued)
Inc. ("SWB"); Comments of American Portable Telecom, Inc. ("APT"); Comments of Ameritech; Comments of AT&T Wireless Services, Inc. ("AT&T"); Comments of the Cellular Telecommunications Industry Association ("CTIA"); Comments of E.F. Johnson Company ("EFJ"); Comments of the American Mobile Telecommunications Industry Association ("AMTA"); Comments of Ericsson, Inc. ("Ericsson"); and Comments of the Personal Communications Industry Association ("PCIA").

^{4/} Comments of AT&T at p. 2.

^{5/} *Id.* at p. 3.

which there is no evidence to support their implementation.^{6/} Given that the industry is continuing to debate whether the Commission's five-year goal of 125 meters at 67% accuracy can be achieved, it is simply too early to consider even more restrictive techniques.^{7/} As Nextel stated in its comments, the Commission should not be raising the hurdle before the industry has found a reliable, efficient cost-effective means to clear the existing ones.

The few parties supporting the Commission's more onerous requirements were the Fire Chiefs, the Joint Commenters and 360 Communications. None, however, address the means by which the industry can achieve the more specific location techniques or the fact that, at this time, the current location requirements cannot be met. The fact that a "perfect" or even "near-perfect" E911 location system may be a desirable goal does not account for the realities of the wireless industry, the marketplace and the status of wireless technology -- all factors that the Fire Chiefs and the Joint Commenters fail to address. Even KSI, Inc., a developer of location-determination technology, asserts that the Commission's proposed requirements are premature, noting that the heightened requirements could have a "chilling effect" on carriers'

^{6/} Comments of CTIA at p. 3.

^{7/} See Comments of PCIA at p. 4.

implementation of technology providing the caller's location within 125 meters.^{8/}

A number of commenters also took this opportunity to oppose the Commission's requirement in the First Report and Order that carriers transmit 911 calls from mobile units that have no code identification.^{9/} Nextel agrees with these commenters that such a requirement is not in the public interest and promotes bad public policy. Requiring transmission of E911 calls from mobile units with no code identification would be extraordinarily costly and require significant system modifications.

The costs, moreover, are not justified in light of the limited number of circumstances under which a caller would be making a call from a non-code identified unit. On Nextel's system, these instances would be particularly rare because Nextel's digital SMR equipment cannot be purchased independently of Nextel's digital service. In other words, a Nextel mobile unit cannot be purchased from, for example, Radio Shack and then presented to a Nextel customer representative for service initiation.^{10/} Therefore,

^{8/} Comments of KSI, Inc. at p. 6 ("Carriers may decide to do nothing unless and until they know for certain what standard/requirement they must meet and by when.").

^{9/} See Comments of 360 Communications at pp. 5-7; Comments of Airtouch Communications, Inc. at p. 6; Comments of Ameritech at pp. 2-4; Comments of SWB at pp. 3-5; Comments of CTIA at pp. 7-8; Comments of APT at p. 2; and Comments of AT&T at pp. 6-7.

^{10/} This is in contrast to cellular service and equipment, which can be purchased separately. Moreover, once purchased, the cellular analog customer units are compatible with any cellular provider's system, given the uniform technological standards in the cellular industry.

because Nextel's equipment can only be legally obtained from Nextel or its authorized dealers, it is highly unlikely, absent illegal activities, that there will be a non-code identified Nextel phone in the hands of a consumer.

Based on the evidence provided by numerous commenters in this proceeding, and given the significant technological difficulties in permitting the transmission of 911 calls from non-code identified handsets and the bad public policy that is promoted by such a requirement, the Commission should reconsider its decision and eliminate the requirement to transmit non-code identified calls.

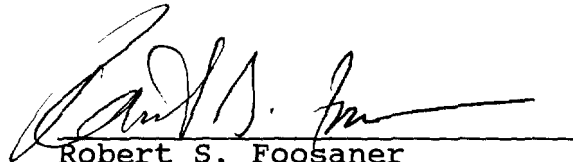
III. CONCLUSION

Nextel has stated on several occasions in this proceeding that precise location capabilities are a laudable goal. However, the desirability of such location techniques cannot be considered in a vacuum, and must be balanced against the current state of technology and the costs of developing the appropriate technology. Given that the industry has yet to determine how it can achieve its current location requirements, Nextel (and nearly all of the commenters in this proceeding) urge the Commission to await the

development of location techniques so it can then make an informed decision regarding more stringent requirements.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "R. S. Foosaner", is written over a horizontal line.

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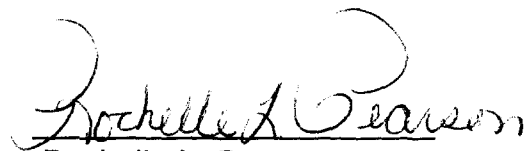
CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 24th day of October 1996, caused a copy of the attached Reply Comments of Nextel Communications, Inc. to be served by hand delivery or overnight courier to the following:

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